

PATENT COOPERATION TREATY
PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
 (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference SH 414-02WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/012779	International filing date (<i>day/month/year</i>) 09.11.2004	Priority date (<i>day/month/year</i>) 14.11.2003
International Patent Classification (IPC) or national classification and IPC C08K3/22, C08K5/00, C08K5/07, C08K5/3492, C08L57/08, C08L27/06		
Applicant SOLUTIONS BRANDING & DESIGN COMPANIE GMBH & CO. KG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>12</u> sheets, as follows: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012779

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

- international search (Rule 12.3 and 23.1(b))
- publication of the international application (Rule 12.4)
- international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:

pages _____ as originally filed/furnished
 pages* 1-6 received by this Authority on 06.12.2005 with letter
 of 05.12.2005

pages* _____ received by this Authority on _____

the claims:

nos. _____ as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 06.12.2005 with letter
 nos.* 2-8 received by this Authority on of 05.12.2005
 nos.* 1 received by this Authority on 23.03.2006 with
 telefax

the drawings:

sheets _____ as originally filed/furnished
 sheets* 1/3-3/3 received by this Authority on 06.12.2005 with letter
 of 05.12.2005

sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- the description, pages _____
- the claims, nos. _____
- the drawings, sheets/figs _____
- the sequence listing (*specify*): _____
- any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages _____
- the claims, nos. _____
- the drawings, sheets/figs _____
- the sequence listing (*specify*): _____
- any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/012779

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1–8	YES
	Claims	_____	NO
Inventive step (IS)	Claims	1–8	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	1–8	YES
	Claims	_____	NO

2. Citations and explanations (Rule 70.7)

1. This report makes reference to the following document:

D1: FR-A-1 465 021 (JAVNA ET AL) 22 March
1967 (1967-03-22)

2. D1 is regarded as the prior art closest to the subject matter of claim 1. It discloses (the reference signs in parentheses refer to D1):

an instrument for pulling ticks out of the skin of animals or humans, comprising:
 an elongated grip piece (reference sign 2)
 for gripping the instrument, on one hand, and
 an at least partially flattened end piece
 (reference sign 5) that has, at least in
 part, a first slit and is for gripping the
 tick, on the other hand, the end piece
 terminating in a substantially fork-like
 shape (figure 7), the shape having at least
 two prongs (reference sign 5) between which a
 space for gripping a tick is embodied (in the

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/012779**Box No. V** Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

device in D1, this space depends on whether or not the device is put into operation), the grip piece having a second slit (intermediate space between the two branches) in order to make possible a variation of the space between the prongs of the end piece (see figures 1 and 4), the slits being connected to each other by an integral hinge (reference sign 7).

2.1 The subject matter of claim 1 differs from the known instrument in that pressing the grip piece together causes the slit, and therefore also the integral hinge, via the slit, to be pressed together and the space between the prongs thus to be narrowed, and finally the tick thereby being gripped.

Therefore, the subject matter of claim is novel (PCT Article 33(2)).

2.2 Consequently, the problem to be solved can be regarded as that of providing better control when gripping the tick.

2.3 The solution to this problem as proposed in claim 1 of the present application involves an inventive step (PCT Article 33(3)) for the following reasons: D1 merely shows an instrument, the fork of which opens when the grip is put into operation. Consequently, the movement is in opposite directions, which

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/012779

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>renders difficult gripping in a coordinated manner. The integral joint in the present invention serves to restrict the slit width. None of the cited documents shows a restriction of the slit width via an integral joint in combination with a sort of tweezer-actuating mechanism.</p> <p>2.4 The basis for the amended claim 1 can be found on, <i>inter alia</i>, page 6, lines 18-22 of the originally submitted description.</p> <p>3. Claims 2-8 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.</p>